

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alastair J.T. CLEMOW et al.
Title: MODULAR FEMORAL COMPONENT FOR A
TOTAL KNEE JOINT REPLACEMENT FOR
MINIMALLY INVASIVE IMPLANTATION
Appl. No.: 10/532,409
International Filing Date: 10/23/2003
371(c) Date:
Patent No.: 7799084
Grant Date: 9/12/2010
Examiner: David C. Comstock
Art Unit: 3733
Confirmation Number: 9135

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR
PATENT UNDER 37 C.F.R. §1.705(d)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have calculated PTA for the captioned patent and have determined that the patent is entitled to 1177 days of Patent Term Adjustment, as shown on the attached sheet, which shows the relevant delays under 37 CFR §§1.702, 1.703 and 1.704:

(a) Total PTO delay: 1198 days

(b) Total Applicant delay: 21 days

Final PTA Determination under 37 CFR §1.703(f): 1177 days

In accordance with 1.705(b)(2)(ii), the relevant dates as specified in §§1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled are clearly represented in the attached PTA Calculation.

The relevant dates where the applicant is not in agreement with the PTO's determination are discussed in more detail below.

In accordance with 37 CFR. 1.702(b) and 35 U.S.C. 154(b)(1)(B) the three year patent term adjustment period should be calculated from the "actual filing date", i.e. April 23, 2005, to the date of issuance September 21, 2010. The three year period begins at the "actual filing date" which is defined as the date the national stage commenced under 35 U.S.C. 371(b).

In accordance with §1.705(b)(2)(iv)(A), the circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704 are clearly represented in the attached PTA Calculation.

Applicants therefore respectfully request that the patent be accorded 1177 days PTA.

A credit card payment form in the amount of \$200.00 to cover the fee stated in 37 C.F.R. § 1.18(e) is enclosed for this request.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. § 1.705, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

However, because this PTA error is due to a Patent Office error in interpreting and applying the PTA statute, a refund of the fee is respectfully requested.

Respectfully submitted,

Date November 11, 2010

By 

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Patent Term Adjustment Calculation System

Add a new event to this case

Docket Number: 051892-0113
 Application Number: 10/532409
 Patent Number: N/A

	Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Edit Delete	Priority Date	10/23/2002	-913		
Edit Delete	International Filing Date	10/23/2003	-548		
	PCT National Stage Commencement Date	04/23/2005	0		
Edit Delete	Notice of Missing Requirements	07/26/2005	94		
Edit Delete	National Stage Entry (All 371(c) & (f) Requirements Met)	09/26/2005	156		
Edit Delete	Response to Notice of Missing Requirements	09/26/2005	156		
	14 month From Application date	11/26/2006	582		
Edit Delete	Non-Final Office Action	10/09/2007	899	317	
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	01/09/2008	991		
	3 Year Period Starts	04/23/2008	1,096		
Edit Delete	Final Office Action	04/30/2008	1,103		
Edit Delete	Final Office Action Response Received at PTO	07/30/2008	1,194		
	Final Office Action Rsp. Rcv'd at PTO + 4 mo.	11/30/2008	1,317		
Edit Delete	Restriction Requirement	12/24/2008	1,341	(24)	
Edit Delete	Restriction Requirement Response Received at PTO	01/22/2009	1,370		
Edit Delete	IDS under 1.704(c)(8) filed at PTO	02/12/2009	1,391		21
Edit Delete	Non-Final Office Action	05/11/2009	1,479		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	08/06/2009	1,566		
	Non-Final Office Action Rsp. Rcv'd at PTO + 4 mo	12/06/2009	1,688		
Edit Delete	Final Office Action	01/21/2010	1,734	(46)	
Edit Delete	Final Office Action Response Received at PTO	04/21/2010	1,824		
Edit Delete	Notice of Allowance	05/13/2010	1,846		
Edit Delete	Issue Fee Paid	08/12/2010	1,937		
Edit Delete	Patent Grant Date	09/21/2010	1,977	881	
			Totals:	1,198	21
			PTA:	1,177	

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IP: 10.99.202.49

Foley & Lardner LLP